REMARKS

Claims 10, 12-16, 28, and 30-38 are pending in the present application.

Claims 10, 12-16, 28, and 30-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ben-Meir et al. (U.S. Patent Number 5,652,893) (hereinafter "Ben-Meir") in view of Edmonds et al. (U.S. Patent Number 6,412,079) (hereinafter "Edmonds"). Applicant respectfully traverses this rejection.

Claims 35-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ben-Meir and Edmonds in view of Weinstein (U.S. Patent Number 5,939,799). Applicant respectfully traverses this rejection.

Applicant notes that silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. More particularly, silence with regard to the Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicant considers allowable for reasons given herein, is not an acquiescence to the rejection of the dependent claim(s), but rather a recognition by Applicant that such previously lodged rejection is moot based on Applicant remarks and /or amendments relative to the independent claim (that Applicant considers allowable) from which the dependent claim(s) depend.

Applicant's claim 10 recites

"An apparatus, comprising:

a first redundant source of power adapted to provide power to a first split path; and

a second redundant source of power adapted to provide power to a second split path, wherein the first and second split paths are adapted to convey signals <u>corresponding to a first portion and a second</u>

portion of a message, respectively in parallel from a source to a destination."

The Examiner asserts in his rejection of claim 10 "Ben-Meir discloses the use of a first and second power supply that are connected to backplane. Ben-Meir also teaches the lines being redundant (see Fig. 1, col. 2, lines 1-8, and col. 3. lines 15-38). This is interpreted as a first redundant source of power adapted to provide power to a first split path, and a second redundant source of power adapted to provide power to a second split path, wherein the first and second split paths are adapted to transmit signals."

The Examiner acknowledges Ben-Meir does not teach a first portion and a second portion of a message, respectively in parallel from a source to a destination. However, the Examiner asserts "Ben-Meir does teach redundant transmission and reception lines (see col. 2, lines 2-4)." The Examiner further asserts "Edmonds teaches dual backplanes that can perform the same task in an active/active manner, this would include the same message being transmitted on both backplanes, thus a first portion would be on a first split path and a second portion would be on a second split path (See FIG. 3 and Col. 6, lines 17-19)." The Examiner further asserts it would have been obvious to combine the two parallel backplanes of Edmonds with the redundant power supplies of Ben-Mier, because both Edmonds and Ben-Meir desire to use redundancy in order to be as close to a hundred percent availability as possible.

Applicant respectfully disagrees with the Examiner's characterizations and interpretations of Ben-Meir and Edmonds and the Applicant's claims. Specifically, Ben-Meir discloses at col. 2, lines 1-8,

> "Often, lines to and from the stations are provided in a redundant manner (transmission, reception lines). Redundant power elements and redundant controller elements are also generally known. This is **an extra or additional power supply** which is held **in waiting as a back-up power supply**, in case of the failure of the primary power supply." (Emphasis added)

Ben-Meir also discloses at col. 3. lines 15-38

"A further object of the invention is to provide an automated, real-time, intelligent power management system which includes redundant power sources for systems operation, to ensure a fault recovery process, and to ensure fault recovery as to critical systems such as networking equipment.

I...

According to the invention, a power management system for local area network hubs comprises a network switching hub including a connection backplane with a plurality of connection slots for electronic modules that constitute the hub payload, and connection slots for intelligent modules such as a hub controller module. The hub includes a power supply having one or more elements providing a maximum power available for the system. Each power supply element has a memory providing power supply element type information from which power delivery capability is derived." (Emphasis added)

However, Ben-Meir further discloses at col. 3 line 55 through col. 4, line 6

"The hub controller module processor determines available power by collecting the power supply element type information for each power supply element installed in the hub. The power delivery capability for each power supply element is derived from the type information and a total available power budget determined. Power supply elements installed in the hub add incremental amounts to the available power budget based on the power supply dement type and capacity. All power supply elements installed are online and delivering power to the hub. In addition each power supply element is an autonomous entity in the event of the failure of other power supply elements. This represents a fault tolerant mode of operation of the power supply as a whole, based on the autonomous operation of the individual power supply elements. Using this quality, power supply elements and their delivered total available power budget can be intelligently managed to provide power supply element fault tolerance using an N+M power supply element reservation scheme." (Emphasis added)

From the foregoing, it appears that in his discussion of prior art Ben-Meir teaches redundant power supply elements (e.g., power elements, controllers and lines). However, Ben-Meir **does not teach** redundant lines being used **in parallel** to convey *respective portions of a message*. More particularly, Ben-Meir only teaches that redundant power elements are used in parallel **and not** over redundant lines, nor to power redundant signal

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path elements. This is clearly different than having a redundant source of power for each split path, wherein each split path conveys respective portions of a message in parallel.

Edmonds discloses at col. 6, lines 11-22

> "Also connected to the active backplanes 146 and 148 are servers 150 and 152. The servers 150 and 152 in turn are connected to the Internet 160. Additionally, multiple network data storage devices 154 and 156 are also connected to the active backplanes 146 and 148 to satisfy data requests from computers 142 and 144 or servers 150 and 152.
>
> The dual backplanes 146 and 148 provide scalability and fault tolerance. Further, multiple servers may perform the same task in an active/active scalable manner. By providing a client process with access to a pool of like servers which are load balanced, the response time for each request is optimized."

From the foregoing it is apparent that Edmonds is describing dual backplanes that may make the system both redundant and scalable. The fact that both servers may perform the same task in an active/active manner simply means the servers may be used in load balancing because an application or client process can use any server in the pool of servers. In other words, the servers and the backplanes are not in a standby mode. In addition, the term "active/active" refers to the ability of the servers to run their own workload, and also take over the workload of the other in the event of a failure.

However, Applicant asserts this has nothing to do with "the same message being transmitted on both backplanes, thus a first portion would be on a first split path and a second portion would be on a second split path" as the Examiner has suggested. Accordingly Edmonds **does not teach or disclose** "wherein the first and second split paths are adapted to convey signals corresponding to a first portion and a second portion of a message, respectively in parallel from a source to a destination" as recited in Applicant's claim 10.

Weinstein discloses using a single capacitor to provide power to a system during a switchover from a primary power supply to a backup secondary power supply thereby keeping the voltage from sagging too low during the switching time.

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Thus, Applicant submits **neither** Ben-Meir nor Edmonds, taken either singly or in combination, **teaches or discloses** "a **first redundant source of power** adapted to provide power to **a first split path**," nor does either Ben-Meir or Edmonds teach or disclose "a **second redundant source of power** adapted to provide power to **a second split path**, wherein the first and second split paths are adapted to convey signals corresponding to a first portion and a second portion of a message, respectively in parallel from a source to a destination," as recited in Applicant's claim 10.

Applicant submits claims 12 and 13 recite "the first redundant source of power comprises a first and a second power supply adapted to provide a first and a second portion of power to the first split path," and "wherein the second redundant source of power comprises a third and a fourth power supply adapted to provide a third and a fourth portion of power to the second split path." Applicant submits these features are not taught or suggested in any of the references.

Accordingly, Applicant submits Claim 10, along with its dependent claims, patentably distinguishes over Ben-Meir in view of Edmonds, and over Ben-Meir and Edmonds, in view of Weinstein for the reasons given above.
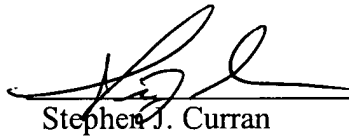
Applicant's claim 28 recites language that is similar to the language recited in claim 10. Accordingly, Applicant submits claim 28, along with its dependent claims, patentably distinguishes over Ben-Meir in view of Edmonds, and over Ben-Meir and Edmonds, in view of Weinstein for at least the reasons given above.

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CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-53300/SJC.

Respectfully submitted,

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